



United States Department of the Interior

BUREAU OF RECLAMATION

PO Box 25007

Denver, CO 80225-0007

IN REPLY REFER TO:
84-21210

October 8, 2019

1.1.02

VIA EMAIL ONLY: 78229-41031702@requests.muckrock.com

Jimmy Tobias
The Guardian and Pacific Standard
DEPT MR 78229
411A Highland Ave
Somerville, MA 02144-2516

Subject: Freedom of Information Act (FOIA) BOR-2019-00217 Final Response

Jimmy Tobias:

This letter is the final response to FOIA control number BOR-2019-00217. We are providing 7 pages of documents, being released to you in part. Portions of these materials are being withheld under the following FOIA Exemption:

Exemption 6

Exemption 6 allows an agency to withhold “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6). We are withholding 1 page in part under Exemption 6.

The phrase “similar files” covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

Under the FOIA, the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency’s performance of its statutory duties or otherwise let citizens ‘know what their government is up to. The burden is on the requester to establish that disclosure would serve the public interest. When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine which is the greater result of disclosure: the harm to personal privacy or the benefit to the public. The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public.

The information that has been withheld under Exemption 6 consists of personal information, specifically email address of a private individual, and we have determined that the individual to

whom this information pertains has a substantial privacy interest in withholding it. Additionally, we have determined that the disclosure of this information would shed little or no light on the performance of the agency's statutory duties. Because the harm to personal privacy is greater than whatever public interest may be served by disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy of this individual and we are withholding it under Exemption 6.

We reasonably foresee that disclosure would harm an interested protected by one or more of the nine exemptions to the FOIA's general rule of disclosure.

You may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal no later than 90 workdays from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe Reclamation's response is in error. You must also include with your appeal copies of all correspondence between you and Reclamation concerning your FOIA request, including your original FOIA request and Reclamation's response. Failure to include with your appeal all correspondence between you and Reclamation will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

DOI FOIA/Privacy Act Appeals Office Contact Information:

Department of the Interior

Telephone: (202) 208-5339

Office of the Solicitor

Fax: (202) 208-6677

1849 C Street, N.W.

Email: FOIA.Appeals@sol.doi.gov

MS-6556 MIB

Washington, DC 20240

Attn: FOIA/Privacy Act Appeals Office

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS in any of the following ways:

Office of Government Information Services E-mail: ogis@nara.gov
National Archives and Records Administration Web: <https://ogis.archives.gov>
Room 2510 -OGIS Telephone: 202-741-5770
8601 Adelphi Road Facsimile: 202-741-5769
College Park, MD 20740-6001 Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer. For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The fee incurred in responding to your request is less than \$50 and is not being charged in accordance with 43 C.F.R. § 2.49(a)(1). You may contact the Reclamation FOIA Public Liaison at (303) 445-3292, via mail at the above letterhead address; or via email at borfoia@usbr.gov for any issues or concerns concerning this response.

Thank you,

Michelle Piland
Bureau of Reclamation
Section 508 and FOIA Coordinator